

How to Rebuild the Nuclear Non-Proliferation Regime

By

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Failed 2005 NPT Review Conference: a missed opportunity

In spite of the strenuous efforts by the President of the Conference, Ambassador Sergio Duarte, and many others who were alerted by the dire predictions about the prospects for agreement, the 2005 NPT Review Conference that ended on May 27 failed to produce a substantive outcome. It missed an important opportunity to renew the

commitment by the nuclear weapon states for the ultimate elimination of all nuclear weapons. It also failed to address such urgent nonproliferation issues as the universalization of the Additional Protocol to the existing IAEA Safeguards mechanism or the new security concerns about the control of nuclear enrichment and reprocessing facilities, as well as the equipment and technology relating to the fuel cycle. The Conference on Disarmament in Geneva did not receive any guidance about the way in which it might address the long-awaited negotiations on a Fissile Material Cutoff Treaty (FMCT), nor on such issues as Negative Security Assurances (NSA) or the long-standing question of complete nuclear disarmament. The Review Conference could not even express its dismay at the announced withdrawal of North Korea from the Treaty. If the State Parties, as the collective guardians of the Treaty, are in effect silent on a range of such important issues, it is, in my view, a measure of the difficulties facing both the NPT and the wider international community.

Silence Speaks Volumes

While the stalemate on such procedural issues as the dispute over the substantive agenda of the Review Conference or subsidiary bodies (e.g. the Sub-committees on specific questions) were all symptoms of failure, many attributed the inability of the Conference to reach a substantive outcome to the underlying confrontation between those who put nuclear disarmament first and those who attach greater priority to nonproliferation. The former position was very often asserted by the members of the Group of Non-Aligned and Other States (NAM) who represent the majority of the Non-

Nuclear Weapon States, while the latter argument was strongly pressed by the Nuclear Weapon States and the Western group of countries. The confrontation was crystallized in the dispute over the continuing relevance and importance of the outcome of the 2000 Review Conference. On one hand, the US considered that document to be outdated after the recent dramatic changes to the international scene. On the other hand, the NAM did not want to retreat from the agreement reached in 2000. Egypt in particular was frustrated by the lack of progress on the Middle East question and wanted to preserve the 2000 outcome at all costs.

At the beginning of the Review Conference the UN Secretary-General urged the participants to work seriously on both nuclear disarmament and nonproliferation, and specifically called upon them not to hold either issue hostage to the other. Unfortunately his advice was not heeded and the Review Conference fell into the trap he had expressly warned against.

The Way Forward: The September Summit

Whilst the failure of the NPT Review Conference is deplorable, the world does not stand still and we cannot afford to stand idly by. We need to take practical steps to ensure the continuing health and strength of the NPT. This remains a matter of central importance. The urgent international concern about the imminent proliferation risk is still there. The loophole brought to light by discovery of the Dr. A.Q. Khan network of illicit supply has to be closed quickly. North Korea declared it will pursue building up its “deterrence.” In Iran, hardliners are threatening to withdraw from the NPT unless that

country's long term nuclear power program is endorsed in the negotiations with the EU. Strategic nuclear warheads are still numbered in their thousands and remain on hair-trigger alert while "Non-strategic" nuclear weapons remain in vast quantities.

One of the first opportunity for world leaders to address the serious concerns about nuclear proliferation will present itself in September when Heads of State and Government assemble in New York to commemorate the 60th anniversary of the founding of the UN. Secretary-General Kofi Annan recommended last March a series of measures for the adoption at the September Summit in his report to the General Assembly titled "In Larger Freedom." I strongly hope that the September Summit will acknowledge the importance of the challenge we face in the area of disarmament and nonproliferation, and I have been working hard to that end. Some of the possible measures that I have raised include the following:

- Reaffirmation of the commitment for nuclear disarmament under Article VI of the NPT and concrete steps in that direction.
- Commitment to uphold the moratorium on nuclear test explosions (pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty).
- Agreement to start the negotiations on a Fissile Material Cut-off Treaty, and bring them to an early conclusion.
- Adoption of the Model Additional Protocol as the standard for verifying compliance with Article III of the NPT.

- Commitment to explore multilateral options for improved controls over the sensitive parts of the nuclear fuel cycle, consistent with the NPT principles of the right to peaceful uses and the obligations for nonproliferation and providing assurances both of supply of services and nonproliferation,
- Reaffirmation of the commitments to negative security assurances.

I recognize that some of these issues are exactly those that led to deadlock at the NPT Review Conference. I am equally familiar with the legitimate and strongly-held views of some of the member states, as well as divergent policy positions among them. But the setting for the September Summit will be different. I hope the leaders who will assemble for the Summit will find mutually agreeable ways to positively express their determination to work for nuclear disarmament and nonproliferation rather than simply saying 'no' to each other.

I should not have to repeat the special responsibility of the five Nuclear Weapon States under the NPT. They could, for example, in my view, express their willingness prior to the September Summit to work on nuclear disarmament and nonproliferation. Were it to happen, this would give a huge boost to the world's efforts in this direction. They might consider a simple treaty or a joint declaration among themselves to solidify the existing *de facto* moratorium on the production of fissile material.

Break the Deadlock

A number of measures proposed for nuclear disarmament and nonproliferation are proposed as subjects for negotiation in the Conference on Disarmament in Geneva – indeed they have been for some time now. The entire issue of nuclear disarmament, Fissile Material Cut-off Treaty, negative security assurance, and PAROS (the Prevention of an Arms Race in Outer Space), to name a few, are the topics on the table in Geneva. But to move these issues forward the Conference has to break the deadlock on its substantive programme of work. The current disarmament mindset appears to be one of avoiding progress as though it were an illness. The Conference on Disarmament has been in its grip for many years now. It has also affected the Disarmament Commission in New York. The NPT Review Conference is its latest victim. Unfortunately the failure to reach agreement at the NPT Review Conference may not make it any easier to break the deadlock in the Conference on Disarmament. But, in my view, precisely because the NPT review process proved to be unsuccessful, the Conference on Disarmament has to work harder to achieve a new momentum in dealing with these urgent issues of concern.

The multilateral process is the best way to address nuclear disarmament and nonproliferation. But, it is important to acknowledge that the challenge of proliferation continues to be met by like-minded States in other perhaps more practical ways, for that may indeed be an unavoidable consequence of the latest developments at the Review Conference. Its inability to set an agenda for action leaves the field open to interested States with particular nonproliferation concerns to pursue them via other avenues such as the Proliferation Security Initiative and Nuclear Suppliers Group.

Other Venues for Action

There are other venues where disarmament and nonproliferation efforts may be pursued until the NPT Review Process starts working again.

IAEA:

The IAEA is an important forum to discuss many aspects of the NPT implementation. The IAEA is expected to follow up the work of the Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle which submitted a report to the IAEA Director-General last February. That report proposed potential multilateral options to improve controls over the proliferation of sensitive parts of the nuclear fuel cycle while preserving assurances of supply and services for nuclear energy exploitation. The IAEA has to continue its effort to universalize the Comprehensive Safeguards Agreement and the Additional Protocol. The IAEA is also expected to continue requiring strict compliance with its Safeguard agreements.

CTBT-EIF Conference:

The Fourth Conference on Facilitating the Entry-Into-Force of the CTBT will be held in New York from 21 to 23 September. The conference is intended to identify measures that would help expedite the entry into force of the CTBT. But being a gathering of high level government officials from those countries which are very much committed to the cause of nuclear disarmament and nonproliferation of the treaty, the conference may provide a unique opportunity for those who are eager to promote these causes informally to search best ways to promote the cause of nuclear disarmament and nonproliferation under the current difficult circumstances.

Security Council Resolution 1540

The full implementation of Security Council resolution 1540 would greatly help close the gaps existing in the nonproliferation regime. The 1540 Committee of the Security Council is currently examining the national reports submitted by the UN Member States. There are many measures to be taken to establish domestic laws and regulations to criminalize activities concerning proliferation of WMD to non-state actors and to establish and tighten export and border controls.

Workshops and seminars can be usefully organized to promote the implementation of such measures. The Committee may strengthen its work to offer technical assistance to those Member States which are most in need of practical support.

US-Russian Initiative

There are a number of concrete steps which, I believe, the US and Russia could voluntarily take towards nuclear disarmament consistent with their declared goal of gradual nuclear reduction, such as:

- Unilateral declaration of the intent for further deep reductions in arsenals, strategic and non-strategic
- Bolstering the infrastructure to facilitate more rapid dismantlement of nuclear weapons
- Bilateral process to build on START and SORT resulting in a framework for the post 2010 period
- Increased transparency and irreversibility

Implementation of measures to minimize the risk that nuclear weapons would ever be used. These could include a reduction of operational status: confidence building and a diminishing role for nuclear weapons in security policy.

NPT Review Process: Rethink the Working Mode of the Review Conference

Since the 2005 NPT Review Conference ended without agreement, there will be no formal follow-up work or other scheduled international activity under the NPT framework until the first Preparatory Committee meets in 2007 in preparation for the 2010 Review Conference. There are, nevertheless a number of things concerned Participating States may do informally during this interim period.

- o Salvage and save the many good proposals made during the Review Conference for future work. This could be done by one or more willing States, or by research institutes.
- o Carry out an assessment of the rigid working modality of the NPT Review Process, especially the strict consensus rule, in order possibly to ensure the success of future Review Conferences. It may also help if we review the geo-political grouping of the Review process and the way in which they function.

Conclusion

In conclusion, I believe that it will be important to draw the correct lessons from the setback undoubtedly suffered at the 2005 Review Conference. The basis for future success lies in the analysis we make now and the actions we then take forward. The outlook is far from being uniformly bleak. I detect continuing and strong commitment to

the international norm established by the NPT from the vast majority of its State Parties. International action against proliferation continues to be conducted at an enhanced level whether it be through the IAEA Additional Protocol, UNSCR 1540, the Proliferation Security Initiative or the work of the Nuclear Suppliers Group. All of these activities are ultimately founded on the nonproliferation bedrock that is the Nuclear Nonproliferation Treaty. All the more reason then for those of us who are convinced that the multilateral approach to nuclear matters offers the only long-term way forward, to look at the prescriptions for immediate progress that I have proposed.

1 The Views expressed here are personal views of the author and do not necessarily reflect those of the United Nations Secretariat.

2 The participants of the NPT Review Conferences traditionally divide themselves into three geo-political groups; Western European and Other States, Eastern European States and the Non-Aligned and Other States.

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